School Desegregation

by

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SCHOOL DESEGREGATION

CONVENING of the Mississippi legislature in special session on Jan. 11, for the purpose of advancing a program to equalize the state's separate school facilities for white and Negro children, signalized the determination of the Deep South to challenge the Supreme Court's decision outlawing segregation in the public schools. The opinion delivered by Chief Justice Warren for a unanimous Court on May 17, 1954, stated specifically that observance of the old doctrine of "separate but equal" would no longer suffice to avert collision with constitutional bars to racial discrimination. Yet Mississippi is moving to comply only with the old rule, not the new standard.

Mississippi and three other states—Georgia, Louisiana, and South Carolina—already have prepared the way for possible direct action to circumvent the Supreme Court's decision. They have adopted constitutional amendments designed to enable them to retain segregation in one way or another. Bills based on the amendments may be taken up at the present regular sessions of the Georgia and South Carolina legislatures.[1] Pressure for similar constitutional and statutory action may be applied during the current sessions of state legislatures in Arkansas, North Carolina, Tennessee, and Texas, and it is likely to develop at sessions of the Alabama and Florida legislatures in the spring.

Delay of Supreme Court Hearing on School Decree

The action finally taken by the southern states will depend to a large extent on the nature of the decree that the Supreme Court will issue, probably later this year, to govern enforcement of its decision in the five school districts where the suits on the constitutional issue were brought. Hearings on how and when racial integration should be effected were originally scheduled to open last Dec. 6 but were postponed when the Senate, at its special session in November,

[1] Louisiana's legislature will not meet in regular session until May 1956; no plans for a special session in 1955 have been announced.

failed to act on President Eisenhower's nomination of John Marshall Harlan [2] to fill the Court vacancy left by the death of Associate Justice Jackson. The hearings presumably will be rescheduled as soon as the Court again has a full bench.

Postponement of the December hearings lengthened the breathing spell that had been given to the states which maintain dual school systems. Some of those states will use the added time to strengthen their legal defenses against compliance with the Court's decision; others will await the forthcoming decree. Should the decree call for full integration at an early date, certain states in the Deep South probably will move promptly to convert their public schools into private schools. But if a flexible pattern of adjustment is authorized, the tendency, at least in a number of the southern states, may be merely to put off as long as possible the day when they will join those border communities that already have begun to integrate their schools.

The possibility of legal circumvention, if not outright defiance, of the May 17 decision raises the interesting question of how a Supreme Court ruling can be enforced. No federal mandate since before the Civil War has stirred up so much open hostility in the states as has been aroused in the South by the school segregation decision. A southern commentator has observed that southerners are "as equally determined to see to their own protection now as they were in 1861" and, having found secession impractical, they have "become more guileful." [3] When Georgia in 1832 defied a Supreme Court ruling that the state was without authority to enforce certain state legislation on Indian lands, the Executive gave the Judicial Branch no aid or comfort. President Jackson reportedly said: "[Chief Justice] Marshall has made his decision; now let him enforce it."

Response to Request for Briefs on Desegregation

The Supreme Court's decision in the school cases affirmed for the first time the principle that segregation of public school children by race, even if each group of pupils is

[2] Harlan is a grandson of the Justice John Marshall Harlan who in 1896 was sole dissenter from the Supreme Court's decision in Plessy *v.* Ferguson. The majority opinion in that case laid down the doctrine, reversed in the recent school decision, that racial segregation was not violative of the Constitution if equal facilities were provided for both races. The elder Harlan contended in his dissenting opinion that the Constitution was "color blind," and he predicted that that view would some day prevail.

[3] Clifford Dowdey, "A Southerner Looks at the Supreme Court," *Saturday Review*, Oct. 9, 1954, p. 37.

LEGAL STATUS OF SCHOOL SEGREGATION BY STATES, PRIOR TO SUPREME COURT DECISION, MAY 17, 1954 *

States requiring segregation		States allowing segregation	States prohibiting segregation	
Alabama	Mississippi	Arizona †	Colorado	Minnesota
Arkansas	Missouri	Kansas	Connecticut	New Hampshire
Delaware	N. Carolina	New Mexico	Idaho	New Jersey
Dist. Col.	Oklahoma	Wyoming ‡	Illinois	New York
Georgia	S. Carolina		Indiana	Ohio
Florida	Tennessee		Iowa	Rhode Island
Kentucky	Texas		Massachusetts	Washington
Louisiana	Virginia		Michigan	Wisconsin
Maryland	W. Virginia			

* No laws on school segregation in 11 states. † Segregation statute ruled unconstitutional in 1953 and 1954 by lower state courts. ‡ No segregated schools in operation.

provided with facilities of equal quality, is a denial of the equal protection of the laws guaranteed by the 14th amendment to the Constitution.[4] Technically, the decision applied only in the District of Columbia and the four localities in Delaware, Kansas, South Carolina, and Virginia in which the cases under review had originated.[5] In the District of Columbia and the communities concerned in Delaware and Kansas, school integration already has been put under way.

Issuance of a formal decree ordering compliance with the decision was deferred by the Supreme Court so that the litigants might have an opportunity to submit suggestions on the time and manner of putting the decision into effect. And because the decision in practice was of general application, and would govern rulings in any future litigation on public school segregation anywhere in the country, the Court also invited the U. S. Attorney General and the attorneys general of all states with laws requiring or permitting school segregation to file briefs and participate in the hearings.

There was only a limited response to the Court's invitation. The Department of Justice and eight of the 17 states having compulsory school segregation laws filed briefs last autumn.[6] Four of the nine other states in that group were

[4] The 14th amendment protects against abridgement of certain rights by the states. School segregation in the District of Columbia, over which Congress exercises exclusive jurisdiction, was held to deprive Negro children of liberty without the due process of law guaranteed by the 5th amendment.

[5] The Supreme Court actually handed down two school segregation decisions. One decision covered the state cases: Briggs *v.* Elliott, Clarendon County, S. C.; Davis *v.* County School Board, Prince Edward County, Va.; Brown *v.* Board of Education, Topeka, Kan.; Belton *v.* Gebhart and Bulah *v.* Gebhart, Wilmington, Del. The other decision was in the case of Bolling *v.* Sharpe, Washington, D. C.

[6] The eight states filing briefs were Arkansas, Delaware, Florida, Maryland, North Carolina, Oklahoma, Texas, Virginia.

the border states of Kentucky, Missouri, Tennessee, and West Virginia. They and the four states with permissive segregation statutes ignored the invitation. Five states of the Deep South with compulsory segregation laws—Alabama, Georgia, Louisiana, Mississippi, and South Carolina —not only filed no briefs but went on record in opposition to doing so.

Louisiana's attorney general said that he and his colleagues in the four other states felt that "if we did file briefs, we possibly would be bound by the decree rendered in the case; whereas if we do not file, we would not be bound directly by the decree." The attorney general of Georgia thought the Supreme Court should not expect cooperation from opponents of desegregation. "Surely," he remarked, "the Court cannot be so naive as to have failed to take cognizance of the various plans under consideration in our respective states, the sole aims of which are to frustrate rather than assist the implementation [of the decision]."

Texas filed a brief, but its attorney general expressed no fear that the state thereby would be bound to observe the decree to be issued in the current cases. He said, on the contrary, that he intended to urge on the Court the contention that "Texas should be allowed to work out her own problem." Other states which submitted briefs did so in the belief that there was no other way to present their peculiar problems to the Court.

Maneuvers to Circumvent Court's School Decision

Even before the Supreme Court handed down its historic decision last May, several southern states, in anticipation of the ruling, had laid the legal groundwork to continue segregation in their public schools. As early as April 1951, the general assembly of South Carolina authorized the appointment of a committee to determine what legal steps the state could take to preserve school segregation in the event of a contrary Supreme Court decision. In November 1952, South Carolina voters approved, 187,000 to 92,000, an amendment repealing that section of the state constitution that made mandatory the maintenance of free public schools. After the Supreme Court gave its decision, Gov. Byrnes urged the people of South Carolina to "remain calm" while the committee set up in 1951, which had assumed a stand-by status, worked out measures to circumvent the decision.

Georgia's legislature, late in 1953, approved an amendment to the state constitution that would permit the general assembly to make grants to private citizens for educational purposes in discharge of all obligations of the state to provide an adequate education for its people. When the amendment was submitted to the electorate on Nov. 2, 1954, big-city voters recorded majorities against it, but these were offset by a strong rural vote in favor of the proposal; the amendment carried by an overall majority of 22,000 in a total vote of 370,000.

The Louisiana legislature, one of the few in the South that were sitting when the segregation decision was handed down, put through two measures aimed at nullifying its effect. A constitutional amendment, later approved by a five-to-one majority of the voters, asserted the state's right to use its inherent police powers to maintain segregation in the interests of public health, morals, peace and order. A statute enacted by the legislature granted to local school superintendents the authority to assign pupils to specific schools.

In Mississippi, an amendment to the constitution permitting the legislature to abolish public schools and to subsidize private schools was approved by a two-to-one vote at a special election on Dec. 21. Under the amendment, initiated at a special session of the legislature in September, a two-thirds vote is required for state-wide abolition of public schools, but a majority vote will suffice to authorize individual counties or local school districts to abolish their own schools.

The 1953 Alabama legislature set up a special committee on segregation which recommended that the state constitution be amended (1) to permit parents to determine whether their children should attend mixed classes and (2) to authorize direct financial aid to pupils for tuition and school transportation. One of the proposed amendments states that "Nothing in the constitution shall be construed as creating or recognizing any right to education or training at public expense, or as limiting the authority or duty of the legislature to require or impose conditions or procedures deemed necessary to the preservation of peace and order."

Gov. Stanley of Virginia said on June 25 that he would use "every legal means at my command to continue segre-

gated schools in Virginia." Stanley suggested that careful thought be given to repealing the constitutional requirement for maintaining public schools, and he appointed an all-white Commission on Public Education to study the question and to hold public hearings. Gov. Shivers of Texas won re-election last year on a platform that promised continued segregation in the public schools.

Stanley and Shivers joined the governors of Florida, Georgia, Louisiana, Oklahoma, and South Carolina in a joint statement on school segregation following the mid-November meeting of the Southern Governors Conference. The governors of the seven states warned that racial integration in the public schools of their states would "engender dissensions that do not now exist." They said they would "exercise every proper prerogative" to preserve the right of the states to "administer their public school systems to the best interest of all our people."

Use of Delaying Tactics to Maintain Segregation

No public school in the South has yet been abolished, and officials of the states which have authorized abolition declare that they do not intend to take that drastic step unless the federal government pushes them into it. Gov. Griffin, Georgia's new chief executive, has said his state would continue to operate segregated schools unless the Supreme Court is "so unrealistic as to attempt to force the unthinkable evil upon us."

Virginia's governor has observed that repeal of the public school clauses in the state constitution might be necessary, not in order to destroy the school system, but to give the legislature a free hand to write a new school law that would take the recent Court decision into consideration. Following the December vote on the Mississippi constitutional amendment, Gov. White said that abolition of that state's public school system would be carried out only as a last resort.

In general, the resisting southern states contemplate a series of legal delaying actions, which conceivably could put off desegregation for many years. Attorney General Cook of Georgia, who assailed the Supreme Court decision as a usurpation of legislative powers, has declared: "If the United States Supreme Court knocks out one of Georgia's enabling acts, the governor . . . will call the legislature and

it will pass another one. Thus we can keep substituting plans until doomsday." The Louisiana amendment permits the calling of special elections on educational questions at any time.

A question-and-answer brochure issued by the Mississippi Legal Educational Advisory Committee pointed to six steps that could be taken successively in support of segregation before the legislature need vote to abolish the public schools. The committee asserted that it would require from "ten to 20 years or probably longer" to exhaust such preliminaries. The six steps were (1) to continue segregation under "separate but equal" provisions of the state constitution; (2) to assign pupils to specific schools; (3) to gerrymander school districts; (4) to invoke police powers to uphold segregation; (5) to resort to other applicable statutes; and (6) to adopt new laws.

Enactment of laws to give local school authorities full power to assign individual pupils to particular schools has been urged in Georgia and North Carolina. The proposed Georgia law would provide also for payment of tuition grants for the education in private schools of any pupils whose assignments were objected to by their parents or by the parents of other children in the same school. Parents objecting to assignment of a Negro child to a white school, for example, might seek payment of a tuition grant for education of the child in a state-supported private school of the sort authorized by Georgia's constitutional amendment.

The constitutionality of laws enacted to avoid compliance with the Supreme Court decisions is certain to be challenged. A study of the desegregation problem, undertaken at the request of the late Gov. Umstead of North Carolina by the Institute of Government at Chapel Hill, referred to such laws as "calculated risks" and "devices for delay and postponement of desegregation." It suggested that they might lead to "litigious harassment, damage suits, and possibly considerable court supervision."

Efforts to Win Negro Support for the Status Quo

Some southern leaders are convinced that their efforts to retain segregated school systems are supported by local Negroes. They believe sincerely that betterment of the Negro lies along the road of improving the existing schools

for colored children. Before the Supreme Court decision was handed down, virtually all southern states had begun to speed up school equalization programs as a protection against possible court orders requiring admittance of Negro pupils to white schools where facilities for Negroes were inferior. The program over the past decade has raised substantially the quality of education in the Negro schools, but not yet to the level maintained in the white schools.

Gov. White of Mississippi called a state-wide biracial meeting last summer in the hope of winning Negro endorsement of a proposed voluntary segregation plan in return for a promise to raise additional funds for Negro schools. When the meeting failed to produce agreement, White called the legislature into special session to act on the constitutional amendment authorizing abolition of public schools.

Threatened abolition of public schools carries more serious implications for Negro than for white children. Insofar as it relieved a state of the obligation to provide free and adequate education for all children, the result might be to release poor Negro families from compliance with compulsory school laws. The committee on school segregation set up by the South Carolina legislature warned in an interim report on July 28, 1954, that "In any disruption of the public school system, the Negro, who has historically contributed the least to it, has the most to lose and may well incur such a loss quite innocently." Whether or not Negroes in general are impressed by such warnings, arguments in behalf of maintaining the status quo may win a sympathetic response from some Negro teachers and school administrators in the South, because their jobs may depend on the maintenance of separate schools.[7]

Efforts to persuade Negroes that they should support continued segregation have taken on overtones of intimidation in certain localities. An Alabama legislative committee observed in a report made public on Oct. 20 that Negro children would be unhappy in mixed schools because of "sharp disclosure of a generally lower scholastic aptitude." The report then adopted a threatening tone by adding that "White employers would be strongly induced to withhold employment from Negro parents who would

[7] In part to counteract such influences, the National Association for the Advancement of Colored People announced on Dec. 16 that it was organizing a new department to "protect southern Negro teachers, principals, and administrative personnel against loss of jobs in the transition from segregated to non-segregated schools."

take advantage of the intended compulsion; leases would likewise be terminated and commercial relations, now in satisfactory progress, would be affected."

The Associated Press reported on Nov. 20 that a new type of anti-Negro vigilante movement was springing up in the South to prevent the carrying out of any plans for school desegregation. The chosen weapon of adherents of the movement was the economic boycott, but there were indications that violence might be countenanced. Although most of the organizations representing the movement were said to be relatively weak, a few groups appeared to be gaining substantial support. One such group was the American States' Rights Association, incorporated in Alabama last February. Another was a network of semi-secret, so-called citizens' councils, with membership restricted to "white males." Such councils have been organized in more than one-half of Mississippi's four score counties. Possibly to be included in the same category is the National Association for the Advancement of White People, with headquarters in Washington, D. C., which has been agitating against desegregation; its founder and president, Bryant Bowles, received wide publicity last autumn during disturbances connected with school integration.

First Tests in Integration of Schools

THE DISTRICT of Columbia and scattered communities in eight states [8] undertook to carry out the Supreme Court's desegregation mandate during the school year that began in September 1954. The group that decided to go ahead without waiting for guidance from the Court's forthcoming decree included three of the five localities in which the segregation litigation had originated: Topeka, Kan., Washington, D. C., and Wilmington, Del.

Mass protests and threats of violence arose in Baltimore, Washington, several Delaware communities, and in several West Virginia counties, but the disturbances were short-lived. By mid-autumn most of the tension in the two larger cities had subsided and the integration process continued without change. In a few small Delaware and West Vir-

[8] Arizona, Arkansas, Delaware, Kansas, Maryland, Missouri, New Mexico, West Virginia.

ginia communities, on the other hand, desegregation was halted, at least temporarily.

The tradition of local authority in school administration accounted in part for the lack of uniformity in desegregation activity in the various states, while postponement of the Supreme Court decree tended to restrain state authorities from setting forth firm desegregation policies. The attorneys general of Delaware, Maryland, and Missouri, for instance, held that although the Court's decision had nullified state segregation laws, it did not require immediate compliance; local authorities therefore could integrate the school systems or continue segregation at their discretion.

In the four states with permissive segregation laws, the practice of separating school children by race was not widespread; there were no segregated schools in Wyoming, and in the three other states segregation was already on the way out when the Supreme Court handed down its decision. The board of education at Topeka, Kan., a defendant in one of the cases,[9] had voted eight months earlier to do away with dual schools. New Mexico's last three communities with segregated schools integrated them at the beginning of the 1954-55 term. Arizona continued a policy of gradually integrating its schools. In none of the foregoing states did the changeover involve unusual difficulty or arouse any marked public protest.

Breakup of Dual School Systems Outside South

Segregation of public school children by race is by no means confined to southern and border states. Even in states with statutory prohibitions on racial segregation there are many all-Negro and all-white schools. Their existence reflects the influence of southern patterns in sections of northern states close to the South, such as communities in Ohio, Indiana, and Illinois along the Ohio River. Another factor making for continuing racial separation in public schools is the general tendency of white and Negro families to live in different and sharply defined residential areas. Even in racially mixed neighborhoods, separate schools may be maintained by choice or by deliberate maneuvering on the part of local officials.

The persistence of racially separate schools in the face of

[9] Topeka had argued its case before the Supreme Court, not in favor of segregation, but in support of the state's right to permit local authorities to decide whether or not they wanted segregation.

a specific statutory ban on segregation is demonstrated in Cincinnati. According to a recent study, that city has "maintained separate schools for 50 years under a stated policy which does not recognize their existence."

> In many of these communities, school officials operate on the theory that when a choice is provided most Negroes will elect to remain in segregated schools. Experience thus far has tended to bear them out, although it is not clear whether this reflects the real desires of Negro patrons or only inertia bolstered by the tacit official disapproval of integration.[10]

The trend in northern states in recent years, however, has been toward a greater degree of racial mixing in the schools and a strengthening of sanctions against segregation. This is due in part to successful court actions brought by the National Association for the Advancement of Colored People, in part to financial savings that sometimes come with integration, in part to greater public concern with racial equality growing out of wartime experience. New Jersey included a strong anti-segregation provision in a new state constitution adopted in 1947; two years later Indiana outlawed racial distinctions in the schools and Illinois added penalties to its anti-segregation law. Arizona in 1951 made segregation permissive rather than mandatory.

Great variety of pace and method is found among communities that have merged school systems in recent years. Some have begun with the higher grades, some with the lower; some have integrated initially in the section of town with relatively few Negroes; some have unified faculties before integrating student bodies; and certain cities have left the choice of school to the parents. Phoenix authorized Negro pupils to attend the high school nearest their homes but maintained an all-Negro high school for five years for those who preferred such an institution. Evansville, Ind., took advantage of a five-year period of grace provided by the state's 1949 anti-segregation law to give parents ample opportunity to decide whether they wanted their children to change schools and, if so, to make the transfer to a school of the parents' selection.

Integration in Washington and Other Communities

Shortly after the Supreme Court spoke on school segregation, President Eisenhower voiced hope that the District of Columbia, where Negro children comprise 59 per cent

[10] Harry S. Ashmore, *The Negro and the Schools* (1954), pp. 79-80.

of the public school population, would become a model for the nation in carrying out the mandate of the Court. The D. C. board of education thereupon formulated an anti-discrimination policy which wiped out all considerations of race in administration of the schools, in pupils' use of school facilities, and in the assignment or promotion of teachers.

A step-by-step plan of desegregation was worked out; it was to affect one-third of Washington's 101,000 public school children in September 1954 and bring complete integration a year later. A new zoning system, to replace the old dual system, was drawn up without regard for racial divisions; the new zones were to apply only to new students in the 1954-55 school year, but to all students in the 1955-56 term. Meanwhile, several thousand Negro pupils in overcrowded schools were to be moved to schools in their neighborhoods formerly restricted to white pupils.

The current school year began in the District of Columbia with racially mixed student bodies in 111 of the city's 161 public schools, and with mixed faculties in 37 schools. In several former white schools the new pupil ratio was two Negroes to one white, while a former Negro school had two white and 336 Negro children. Uniformed police were stationed near every school with mixed enrollment but no disturbance occurred. In fact, integration appeared to be operating with so little friction that the plan was soon speeded up and 2,000 Negroes, on request, were permitted to transfer to schools within their new school zones.

In Delaware, the state board of education had asked all school districts to develop plans for desegregation, and a new office of consultant on human relations was created in state education headquarters to advise on integration problems. About a dozen of the state's 108 school districts, including those in several large cities, undertook to institute desegregation. Wilmington integrated the elementary grades but put off high school integration pending further study of administrative problems.

Similar step-by-step plans were worked out in St. Louis and Kansas City, where most of Missouri's Negro population is concentrated. St. Louis integrated its junior and teachers' colleges and special schools for handicapped children and laid plans to integrate high schools in February and elementary grades next September. The Missouri state board of education reported that by mid-autumn 1954, inte-

gration in some form had been carried out in school districts accounting for 75 per cent of the state's 63,000 Negro pupils.

Negro and white children in West Virginia went to school together for the first time last September in 25 of the 44 counties with a Negro school population. In some of the counties the Negro schools were eliminated; in others the schools opened on the old segregated basis but were making gradual adjustments as the term advanced; and in communities where Negro children had been sent to schools elsewhere they were taken into the local schools.

Desegregation in Baltimore was left largely to the parents. The board of education simply announced that pupils would no longer be registered by race, and that parents could place their children in any uncrowded school they chose. The school authorities appeared to make every effort to avoid any suggestion of coercion.[11]

Mass Demonstrations Against Desegregation

Although desegregation apparently ran smoothly in the beginning, trouble soon developed in several communities. Nine days after Milford, Del., school authorities had assigned 11 Negroes to a local high school attended by 600 white children (as an alternative to transporting them 17 miles to a Negro high school), a mass meeting was called in protest. Feeling ran so high that the local school was closed for a week. The state board of education then ordered the school to reopen with the Negro students in attendance, but it took the local board to task for failing to consult it before admitting the Negroes in the first place. The Milford board thereupon resigned, and a new board required the Negro pupils to go to the Negro high school.[12]

Three weeks after school opened in Baltimore, 30 pickets appeared before an elementary school with an enrollment of 575 white and 12 Negro pupils and exhorted the children to go home. Picketing spread in succeeding days to three additional elementary schools and to two high schools. Children began to cut classes and join the demonstrations; other children were kept at home by parents who feared

[11] Baltimore introduced desegregation independently of other Maryland communities. The state-wide county school system delayed integration pending issuance of the Supreme Court decree.

[12] When the order of the new board was reversed in chancery court, Milford appealed to the state supreme court. While awaiting a final decision, the Negro students continued to attend the segregated school.

violence. Appeals by school officials and the clergy failed to stem noisy demonstrations. The protest was not brought under control until the police commissioner threatened prosecutions for violation of state laws against inducing truancy and against creating disturbances near schools.

In Washington, four weeks after school had opened, approximately 2,500 students of three high schools and six junior high schools—two per cent of the public school attendance—boycotted classes and conducted mass demonstrations in the streets. Immediately a stand-by plan for dispatching experienced police officers to scenes of trouble was activated. The disturbance continued for four days. As in Baltimore, threats of police action and school penalties brought it to a close. Establishment of biracial student grievance committees in the high schools helped to cool off hot tempers.

Problems of Adjustment to Integration

THE FUNDAMENTAL impact of public school integration on prevailing patterns of community life is more far-reaching than previous Supreme Court decisions which struck down racial barriers in interstate travel and in institutions of higher learning. That fact is indicated not only by the intensity of the opposition in some areas, but also by the amount of serious study which has been given to the subject in recent months. School authorities who must deal directly with problems created by the changeover now have at hand extensive reports on the experience with desegregation in other communities.

Under a grant by the Ford Foundation to the Fund for the Advancement of Education, 45 scholars directed by Harry S. Ashmore, executive editor of the *Arkansas Gazette*, undertook a study of biracial education in the United States "to bring into focus the dimensions and nature of a complex educational problem that in many ways provides a significant test of American democracy." [13] *The Negro and the Schools*, which summarizes the group's findings, was published on the eve of the May 17 decision. A second vol-

[13] Owen J. Roberts, board chairman of the Fund for the Advancement of Education, in foreword to Harry S. Ashmore, *The Negro and the Schools* (1954), p. vii.

ume, *Schools in Transition*, which documents the experiences of 24 communities that have recently integrated their schools, was published in November. Two more volumes are in preparation. The Ford Foundation is financing also a monthly 16-page newspaper, *Southern School News*, which gives detailed accounts of developments on desegregation in states most seriously affected by the decision.

Factors Affecting Public Reaction to Integration

On the whole, the studies show that integration has been achieved with little friction and almost no violence. Still, the evidence to date gives no clear indication of what the impact of integration would be in communities where white sentiment is hard set against it. Ashmore states that "Wherever there has been an active and well-planned program to 'sell' integration to the community at large, it has succeeded but . . . there is no way to measure just how difficult the selling job was." Obviously, no sound effort to "sell" integration has yet been undertaken in Deep South communities where white opposition is firmly entrenched.

Attitudes on integration vary considerably even within states and within cities. There are areas north of the Mason-Dixon line with typically southern attitudes, and there are communities in the South which would be little disturbed by the change. There is some evidence that voluntary plans of desegregation may lead to trouble in places where race feeling is strong, because they tend to incite resentment against Negroes choosing integration. Or the voluntary plan may result in a minimum of actual integration. In Evansville, Ind., the parents' choice system brought less than eight per cent of the Negro school enrollment into mixed classes over a period of years. In Baltimore only 2.5 per cent of the Negro pupils entered former all-white schools by choice last September.

One of the difficult questions for local administrators is how to gauge the nature and strength of parental hostility to integration. In many areas school officials have moved cautiously to desegregate only to discover that anticipated trouble did not develop, because on the whole the community was disposed to make the best of the inevitable.

One of the intangible factors involves the distinction between passive and active resistance to abandoning long-standing prac-

> tices . . . The great problem for schoolmen . . . has been to determine whether the passive resistance which they can readily sense will be translated into active resistance once the issue is drawn. . . . The superintendent . . . must be prepared to function as a "social engineer" . . . [dealing] on a mass scale with delicate problems of human relationships involving not only pupils and teachers but the community at large.[14]

In general, it is found that children tend to take the changeover without protest unless prodded by adults who are hostile to integration. Disturbances in Boone County, W. Va., occurred after a student council had voted unanimously to accept new Negro students. In the outbreaks in Baltimore and Washington, reporters noted that many children on strike were unconcerned about the issue but were simply enjoying mass defiance of authority.

Gradual vs. Immediate Integration of Schools

President Eisenhower, at a news conference on Nov. 23, said he did not expect the Supreme Court to be arbitrary in its decree on desegregation. He suggested that the Court would favor flexible and decentralized methods of enforcement that would permit taking into consideration the emotional strains and the practical problems involved. All states that filed briefs with the Supreme Court pleaded for approval of a gradual approach, and all asked that the lower courts be allowed to supervise the process of desegregation, so that plans could be adapted to local situations. No state proposed a deadline for compliance; Virginia said it might require more than a generation to complete desegregation.

Several briefs expressed fear that violence would attend an abrupt change. North Carolina asserted that precipitate integration might result in "bloody race riots." Florida said it needed a reasonable amount of time to overhaul its school laws, because "the consequent immediate rush of turbulent ideas into this vacuum [created by abolition of dual schools] without legal guidance or administrative regulation might well cause a tornado which would devastate the entire school system." Oklahoma said it needed an extended period for constitutional and legislative changes made necessary by the fact that its two school systems were supported by entirely separate systems of taxation.

Attorney General Brownell's brief, which applied only

[14] Ashmore, *op. cit.*, pp. 82-3.

to the five cases before the Supreme Court, recommended that the Court declare invalid the laws requiring or permitting segregation, and that it return the cases to the lower courts for supervision of compliance. Under Brownell's proposals, local school authorities would be given 90 days to draw up desegregation plans satisfactory to the lower courts; if they failed to do so, the courts would order elimination of segregation at the beginning of the next school term. School authorities would be required to submit detailed progress reports to the lower courts, which in turn would report to the Supreme Court.

To permit different timetables in different localities, Brownell said there should be no national deadline for attainment of desegregation. Although community hostility to integregation should be considered in appraising plans, the Attorney General cautioned that it should not "serve as justification for avoiding or postponing compliance with the constitutional mandate."

Lawyers for the Negro litigants regard most of the arguments for gradual desegregation as the first line of attack against the Court decision itself. They pleaded with the Court not to establish a pace for enforcement "geared down to the very customs which the 14th amendment . . . was designed to combat." They recommended designating September 1955 as the deadline for integration in most areas, and September 1956 as the target date for completion of the task throughout the nation.

Experience with integration can be cited to support both the case for gradualism and the case for early change. Step-by-step integration has proceeded smoothly in most places where there is genuine will on the part of local authorities to carry out the program. Too long a period of transition, however, may invite friction and encourage evasion. Ashmore notes that both sides of the segregation argument tend to apply local political pressure on school boards, and that the pressure mounts when policies remain unsettled for a long time.

Some opponents of immediate integration claim that it would impose hardships on Negro children, whose inferior early education in segregated schools would place them in unfair competition with white children. But opponents of gradualism say the more speedily schools are integrated, the more quickly Negro children will be freed of this inequity.

Anti-Segregation Forces at Work in the South

Southern hostility to desegregation has stirred sectional feeling and given rise to the view that the Supreme Court seeks to impose an alien way of life on the region without regard for the practical problems involved. A southern writer asserts that "White southerners accepted this legislation by the judiciary as something else dumped in their laps, as was the freed Negro, for them to deal with in their own way," and their "own way" will be "evasion of a national law." [15]

At the same time, many southerners recognize that there are forces at work which have steadily tended to level old barriers between the races. The experience of many young southerners in the integrated military services, the successful mixing of races in institutions of higher learning in the South, the pressure for interracial mingling by numerous church bodies, the growing industrialization of the South, and other factors are all contributing to modification of the traditional race pattern.

The growing cost of maintaining dual school systems also has some bearing on the change. An Arkansas community which brought Negro children into its local white school, immediately after the Supreme Court ruled on segregation, saved thousands of dollars formerly spent to transport the children to schools elsewhere. The high cost of the current school construction program in the South—a program aimed in part to protect communities against court decisions invoking the earlier doctrine of "separate but equal" facilities—may have some influence in reducing opposition to integration.

The Ashmore study found a number of southern educators and politicians who conceded privately that integration was inevitable. Most objective studies indicate that southern resistance will hold back the trend toward school integration, regardless of the dictates of the Supreme Court, but that integration will come eventually and at an uneven pace dictated largely by the changing attitudes of the various communities. The question remains whether the transition period will be relatively peaceful or whether it will be marked by serious racial tension that will damage the education of both white and Negro children.

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[15] Clifford Dowdey, "A Southerner Looks at the Supreme Court," *Saturday Review*, Oct. 9, 1954, p. 37.